

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

GREGORY LINDSEY JOINER  
639 ½ N. LINCOLN  
BURBANK, CA 91506

Case No. 2009-196

*Registered Nurse license*  
*764586* Respondent

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on December 16, 2009.

IT IS SO ORDERED November 16, 2009.



President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
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7 Attorneys for Complainant

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues Against:

Case No. 2009-196

12 GREGORY LINDSEY JOINER  
13 639 ½ No. Lincoln  
Burbank, CA 91506

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

14  
15 Respondent/Applicant.  
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17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
19 above-entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H, R.N. (Complainant) is the Executive Officer of  
22 the Board of Registered Nursing. Complainant brought this action solely in her official capacity  
23 and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of  
24 California, by Gloria A. Barrios, Supervising Deputy Attorney General.

25 2. Gregory Lindsey Joiner (Respondent) is representing himself in this  
26 matter.

27 3. On or about February 25, 2008, the Board of Registered Nursing (Board)  
28 received an application for a Registered Nurse from Respondent. On or about January 25, 2008,

1 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and  
2 representations in the application. The Board denied the application on July 16, 2008.

3 **JURISDICTION**

4 4. A Statement of Issues, Case No. 2009-196 was filed before the Board of  
5 Registered Nursing and is currently pending against Respondent. The Statement of Issues and all  
6 other statutorily required documents were properly served on Respondent on April 6, 2009.  
7 Respondent timely filed his Notice of Defense contesting the Statement of Issues. A copy of the  
8 Statement of Issues, Case No. 2009-196 is attached as exhibit A and incorporated herein by  
9 reference.

10 **ADVISEMENT AND WAIVERS**

11 5. Respondent has carefully read, fully discussed with his representative, and  
12 understands the charges and allegations in Statement of Issues, Case No. 2009-196. Respondent  
13 has also carefully read, fully discussed with his representative, and understands the effects of this  
14 Stipulated Settlement and Disciplinary Order.

15 6. Respondent is fully aware of his legal rights in this matter, including the  
16 right to a hearing on the charges and allegations in the Statement of Issues; the right to be  
17 represented by counsel at his own expense; the right to confront and cross-examine the witnesses  
18 against him; the right to present evidence and to testify on his own behalf; the right to the  
19 issuance of subpoenas to compel the attendance of witnesses and the production of documents;  
20 the right to reconsideration and court review of an adverse decision; and all other rights accorded  
21 by the California Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
23 each and every right set forth above.

24 **CULPABILITY**

25 8. Respondent admits the truth of each and every charge and allegation in  
26 the Statement of Issues, Case No. 2009-196.

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1           9.       Respondent agrees that his Registered Nursing License application is  
2 subject to denial and he agrees to be bound by the Board of Registered Nursing's imposition of  
3 discipline as set forth in the Disciplinary Order below.

4                               **CONTINGENCY**

5           10.     This stipulation shall be subject to approval by the Board of Registered  
6 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the  
7 Board of Registered Nursing may communicate directly with the Board regarding this stipulation  
8 and settlement, without notice to or participation by Respondent or his representative.  
9 Respondent understands and agrees that counsel for imposition of discipline as set forth in the  
10 Disciplinary Order below. The parties understand and agree that facsimile copies of this  
11 Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have  
12 the same force and effect as the originals.

13                           **DISCIPLINARY ORDER**

14                       In consideration of the foregoing admissions and stipulations, the parties  
15 agree that they may, without further notice or formal proceeding, issue and enter into the  
16 following Disciplinary Order:

17                       IT IS HEREBY ORDERED that the application of Respondent Gregory  
18 Lindsey Joiner, for licensure as a Registered Nurse is hereby granted. Upon successful  
19 completion of all licensing requirements, a license shall be issued to Respondent. Said license  
20 shall be immediately revoked, the order of revocation stayed, and Respondent is placed on  
21 probation for a period of two years subject to the following terms and conditions:

22           1.       **Obey All Laws.** Respondent shall obey all federal, state and local laws,  
23 including all statutes and regulations governing the license. A full and detailed account of any  
24 and all violations of law shall be reported by Respondent to the Board in writing within seventy-  
25 two (72) hours of occurrence. To permit monitoring of compliance with this condition,  
26 Respondent shall submit completed fingerprint forms and the applicable fingerprint processing  
27 fees to the Board within forty-five (45) days of the effective date of the decision, unless  
28 previously submitted by Respondent as part of his licensure application process.

1                   **CRIMINAL COURT ORDERS:** If Respondent is under criminal court orders  
2 including probation or parole, and the order is violated, this shall be deemed a violation of these  
3 probation conditions, and may result in the filing of an accusation and/or petition to revoke  
4 probation.

5                   **ALABAMA BOARD OF NURSING:** Respondent is subject to concurrent  
6 order(s) from the Alabama Board of Nursing. If Respondent violates the order(s), this shall be  
7 deemed a violation of probationary conditions imposed by the Board, and may result in the filing  
8 of a Accusation and Petition to revoke Probation.

9                   2.       **Comply With The Board's Probation Program.** Respondent shall fully  
10 comply with the terms and conditions of the Probation Program established by the Board and  
11 shall cooperate with the representatives of the Board in its monitoring and investigation of the  
12 Respondent's compliance with the Probation Program. Respondent shall inform the Board in  
13 writing within no more than 15 days of any address change and shall at all times maintain an  
14 active, current license status with the Board, including during any period of suspension.

15                   Upon successful completion of probation, Respondent's license shall be fully  
16 restored.

17                   3.       **Report In Person.** Respondent, during the period of probation, shall  
18 appear in person at interviews/meetings as directed by the Board or its designated  
19 representatives.

20                   4.       **Residency, Practice, Or Licensure Outside of State.** Periods of  
21 residency or practice as a registered nurse outside of California shall not apply toward a reduction  
22 of this probation time period. Respondent's probation is tolled, if and when Respondent is  
23 resides outside California. Respondent shall provide written notice to the Board within fifteen  
24 (15) days of any change of residency or practice outside the state, and within thirty (30) days  
25 prior to re-establishing residency or returning to practice in this state.

26                   Respondent shall provide a list of all states and territories where he has ever been  
27 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall provide  
28 further information regarding the status of each license status during the term of probation.

1 Respondent shall inform the Board if he applies for or obtains a new nursing license during the  
2 term of probation.

3           **5. Submit Written Reports.** Respondent, during the period of probation,  
4 shall submit or cause to be submitted such written reports/declarations and verification of actions  
5 under penalty of perjury, as required by the Board. These reports/declarations shall contain  
6 statements relative to Respondent's compliance with all the conditions of the Board's Probation  
7 Program. Respondent shall immediately execute all release of information forms as may be  
8 required by the Board of its representatives.

9           Respondent shall provide a copy of this decision to the nursing regulatory agency  
10 in every state and territory in which he has a registered nurse license.

11           **6. Function as a Registered Nurse.** Respondent, during the period of  
12 probation, Respondent shall engage in the practice of registered nursing in California for a  
13 minimum of twenty-four (24) hours per week for six (6) consecutive months or as determined by  
14 the Board.

15           For purposes of compliance with this section, "engage in the practice of registered  
16 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or  
17 work in any non-direct patient care position that requires licensure as a registered nurse.

18           The Board may require that advanced practice nurses engage in advanced practice  
19 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the  
20 Board.

21           If Respondent has not complied with this condition during the probationary term,  
22 and Respondent has presented sufficient documentation of his good faith efforts to comply with  
23 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
24 grant an extension of the Respondent's probation period up to one year without further hearing in  
25 order to comply with this condition. During the one year extension, all original conditions of  
26 probation shall apply.

27           **7. Employment Approval And Reporting Requirements.** Respondent  
28 shall obtain prior approval from the Board before commencing or continuing any employment,

1 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
2 performance evaluations and other employment related reports as a registered nurse upon request  
3 of the Board.

4 Respondent shall provide a copy of this decision to his employer and immediate  
5 supervisors prior to commencement of any nursing or other health care related employment.

6 In addition to the above, Respondent shall notify the Board, in writing, within  
7 seventy-two (72) hours after he obtain any nursing or other health care related employment.

8 Respondent shall notify the Board, in writing, within seventy-two (72) hours after he is  
9 terminated or separated, regardless of cause, from any nursing, or other health related  
10 employment with a full explanation of the circumstances surrounding the termination or  
11 separation.

12 **8. Supervision.** Respondent shall obtain prior approval from the Board  
13 regarding Respondent's level of supervision and/or collaboration before commencing or  
14 continuing any employment as a registered nurse, or education and training that includes patient  
15 care.

16 Respondent shall practice only under the direct supervision of a registered nurse  
17 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative  
18 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician )  
19 are approved.

20 Respondent's level of supervision and/or collaboration may include, but is not  
21 limited to the following:

22 (a) Maximum - The individual providing supervision and/or collaboration is present in the  
23 patient care area or in any other work setting at all times.

24 (b) Moderate - The individual providing supervision and/or collaboration is in the patient  
25 care unit or in any other work setting at least half the hours Respondent works.

26 (c) Minimum - The individual providing supervision and/or collaboration has person-to-  
27 person communication with Respondent at least twice during each shift worked.

28 (d) Home Health care - If Respondent is approved to work in the home health care setting,

1 the individual providing supervision and/or collaboration shall have person-to-person  
2 communication with Respondent as required by the Board each work day. Respondent shall  
3 maintain telephone or other telecommunication contact with the individual providing supervision  
4 and/or collaboration shall have person-to-person communication with Respondent as required by  
5 the Board each work day. The individual providing supervision and/or collaboration shall  
6 conduct, as required by the Board, periodic, on-site visits to patients' homes visited by the  
7 Respondent with or without Respondent present.

8           9.       **Employment Limitations.** Respondent shall not work for a nurses'  
9 registry , in any private duty position as a registered nurse, a temporary nurse placement agency,  
10 a traveling nurse, or for an in-house nursing pool.

11                 Respondent shall not work a licensed health agency as a visiting nurse unless the  
12 registered nurse supervisor and other protections for home visits have been approved by the  
13 Board. Respondent shall not work in any other registered nursing occupation where home visits  
14 are required.

15                 Respondent shall not work in any health care setting as a supervisor of registered  
16 nurses. The Board may additionally restrict Respondent from supervising licensed vocational  
17 nurses and/or unlicensed personnel on a case-by-case basis.

18                 Respondent shall not work as a faculty member in an approved school of nursing  
19 or as an instructor in a Board approved continuing education program.

20                 Respondent shall work only on a regularly assigned, identified and predetermined  
21 worksite(s) and shall not work in a float capacity.

22                 If the Respondent is working or intends to work in excess of 40 hours per week,  
23 the Board may request documentation to determine whether there should be restrictions on the  
24 hours of work.

25                 10.       **Complete a Nursing Course(s).** Respondent, at his own expense, shall  
26 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later  
27 than six months prior to the end of his probationary term.

28       ///



1 Respondent shall obtain prior approval from the Board before enrolling in the  
2 course(s). Respondent shall submit to the Board the original transcripts or certificates of  
3 completion for the above required course(s). The Board shall return the original documents to  
4 Respondent after photocopying them for its records.

5 **11. Violation of Probation.** If Respondent violates the conditions of his  
6 probation, the Board after giving Respondent notice and an opportunity to be heard, may set  
7 aside the stay order and impose the stayed discipline (revocation/suspension) of the Respondent's  
8 license.

9 If during the period of probation, an accusation or petition to revoke has been filed  
10 against the Respondent's license or the Attorney General's Office has been requested to prepare  
11 an accusation or petition to revoke probation against the Respondent's license, the probationary  
12 period shall automatically be extended and shall not expire until the accusation or petition has  
13 been acted upon by the Board.

14 **12. License Surrender.** During Respondent's term of probation, if he ceases  
15 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of  
16 probation, Respondent may surrender his license to the Board. The Board reserves the right to  
17 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to  
18 take any other action deemed appropriate and reasonable under the circumstances, without  
19 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent  
20 will no longer be subject to the conditions of probation.

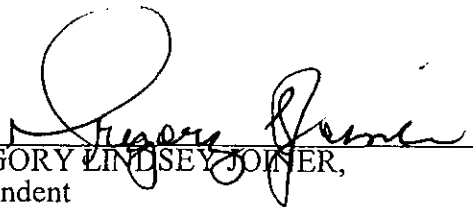
21 Surrender of Respondent's license shall be considered a disciplinary action and  
22 shall become a part of Respondent's license history with the Board. A registered nurse whose  
23 license has been surrendered may petition the Board for reinstatement no sooner than the  
24 following minimum periods from the effective date of the disciplinary decision:

- 25 (1) Two years for reinstatement of a license that was surrendered for any reason other than a  
26 mental or physical illness; or  
27 (2) One year for a license surrendered for a mental or physical illness.  
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1 ACCEPTANCE

2 I have carefully read the Stipulated Settlement and Disciplinary Order. I  
3 understand the stipulation and the effect it will have on my Registered Nurse License. I enter  
4 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,  
5 and agree to be bound by the Decision and Order of the Board of Registered Nursing.

6 DATED: 5-15-09

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8   
9 GREGORY LINDSEY JOINER,  
Respondent

10 ENDORSEMENT

11 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
12 submitted for consideration by the Board of Registered Nursing.

13  
14 DATED: 6/15/09

15 EDMUND G. BROWN JR., Attorney General  
16 of the State of California

17 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General

18  
19   
20 GLORIA A. BARRIOS  
21 Supervising Deputy Attorney General

22 Attorneys for Complainant

23 DOJ Matter ID: LA2007601567  
24 JOIN,STIP,WPD

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24-11-11  
2009-196

**Exhibit A**

**Statement of Issues, Case No. 2009-196**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 GLORIA A. BARRIOS, State Bar No. 94811  
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6 Attorneys for Complainant  
7

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

13 **GREGORY LINDSEY JOINER**  
14 639 ½ No. Lincoln  
Burbank, California 91506

15 Applicant/Respondent.

Case No. *2009-196*

**STATEMENT OF ISSUES**

16  
17 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Statement of Issues solely in her official capacity  
20 as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer  
21 Affairs.

22 **Application History**

23 2. On or about February 25, 2008, the Board received an Application for  
24 Licensure by Endorsement from Gregory Lindsey Joiner ("Respondent"). On or about  
25 January 25, 2008, Respondent certified under penalty of perjury to the truthfulness of all  
26 statements, answers, and representations in the application. The Board denied the application on  
27 July 16, 2008.

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3. Section 2736 of the Business and Professions Code (Code) provides, in part, that the Board may deny a license when it finds that the applicant has committed "any act constituting grounds for denial of licensure under section 480 of that Code."

4. Code section 480 states, in pertinent part:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or

(3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

5. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

**FIRST CAUSE FOR DENIAL OF APPLICATION**

**(Out-of-State Discipline)**

6. Respondent's application is subject to denial under Code section 2761, subdivision (a)(4), in that in a disciplinary action before the Alabama State Board of Nursing ("Alabama Board"), in the case entitled, *In the Matter of: Gregory Lindsey Joiner*, effective September 16, 2005, the Alabama Board issued a Consent Order with Findings of Fact placing Respondent's Registered Nurse License No. 1-063872 on suspension for a minimum of three months, followed by probation for a period of twenty-four (24) months with terms and

1 conditions. The circumstances underlying the disciplinary action are that between October 1,  
2 2004, and December 7, 2004, while assigned to Jefferson County Jail, in Bessemer, Alabama,  
3 Respondent engaged in substandard practice when he signed the nameS of inmates to health care  
4 records and documented nursing assessments on inmates for assessments he had not performed.  
5 A copy of the Alabama Board's Consent Order is attached as **Exhibit A**, and is incorporated  
6 herein.

7 **SECOND CAUSE FOR DENIAL OF APPLICATION**

8 **(Dishonesty, Fraud, or Deceit)**

9 7. Respondent's application is subject to denial under Code sections 2736,  
10 and 480, subdivision (a)(2), in that Respondent committed acts involving dishonesty, fraud or  
11 deceit with the intent to substantially benefit himself, or another, or substantially injure another,  
12 as set forth in paragraph 6, above.

13 **THIRD CAUSE FOR DENIAL OF APPLICATION**

14 **(Done Any Acts if Committed by a Licentiate)**

15 8. Respondent's application is subject to denial under Code sections 2736  
16 and 480, subdivision (a)(3), in that Respondent committed acts that if done by a licentiate of the  
17 business or profession in question, would be grounds for suspension or revocation of a license,  
18 under Code section 2761, subdivision (a), and (a)(4), as set forth in paragraphs 6 and 7, above.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Gregory Lindsey Joiner for a registered nurse license; and,
2. Taking such other and further action as deemed necessary and proper.

DATED: 3/16/09

  
RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant